AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 8. This sheet, which includes Figure 8, replaces the original sheet including Fig. 8.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

The Final Office Action mailed July 24, 2007 considered claims 2-13, 15 and 48-55. Claims 5, 48, and 53 were objected to because of minor informalities. Claims 48 and 51 were objected to because of minor informalities. Claims 2-13, 15, and 48-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Avvari et al. (US 7,114,159) hereinafter *Avvari* in view of Silva et al. (US 6,163,805) hereinafter *Silva*.[1]

By this paper, claims 5, 48, 51, and 53 have been amended and claims 6 and 54 have been canceled, such that claims 2-5, 7-13, 15 and 48-53 and 55 remain pending in the application.

As a preliminary matter, Applicants would like to thank the Examiner for the courtesies extended during the telephonic interview held September 4, 2007. Details of that interview are included herein below.

Objection To Drawings

The Office Action objected to the drawings, and in particular to labeling in Figure 8. A corrected drawing sheet including Figure 8 is submitted herewith. Applicants believe that the corrected drawing sheet has fully addressed the stated objection.

Objection To Specification

The specification was objected to as not having acronyms spelled out at their first instances. The specification has been amended, and Applicants believe that the amendments should overcome the Office Action's objection.

Objections To Claims 5, 48 and 53

The Office Action objected to claims 5, 48 and 53 for minor informalities. In particular, the Office Action asserts that "they contain inconsistent terms such as 'test client' and 'client', 'available' and 'assigned', 'packet' and 'package'." While amendments have been made with respect to "test client" and "client" and "available" and "assigned," amendments have not been made with respect to "packet" and "package." Applicants believe that as claimed, packet and package refer to different limitations and are as such differently designated. References to

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

"packet are more general and may refer to, for example, a test packet created from information submitted by a developer client which can then be submitted to a test client. References to package in claims 5 and 53 refer to a personalized test package which may have different tasks than the test packets stored at the database.

Objections To Claims 48 and 51

The Office Action objected to claims 48 and 51 for minor informalities. These claims have been amended by the amendments herein. Applicants believe that the amendments have fully addressed the stated objections.

Rejections Under 35 USC § 103

The application is generally directed to a software testing system that tests software components on a variety of platforms and operating systems. Embodiments allow for software to be tested on a number of different test clients where testing is centrally controlled. This allows for testing to be accomplished quickly by utilizing the different test clients. Additionally, the central control helps to maximize resources by automatically assigning test jobs to available clients.

The newly added limitations recite limitations similar to previously presented, and now cancelled claims 6 and 54. In particular, each of the independent claims now recites "calculate[ing] an execution time for the test job and if the calculated execution time exceeds a predetermined allowable execution time prevent[ing] the test job from being executed and automatically assign[ing] a different test job to the available test client."

The claims are believed to be patentably distinct from the art cited for at least the reason that this functionality is simply not taught or suggested. To show this functionality in rejecting claim 6, the Office Action cites to *Avvari* at Figure 7 and col. 16, lines 1-49. Applicant is puzzled by this reference which appears only to show actual start (230 and 248) stop (232 and 250) and elapsed times (234 and 254). Further, while lines 1-49 of col. 16 were cited, the only portion of col. 16 which appears to describe execution times whatsoever is line 55 which only mentions start 230, stop 232, and elapsed 234. However, these times do not appear to be calculated, but rather appear to be actual running times. In particular, *Avvari* states that the GUI of Figure 7 provides the user with real time status of the components of the DTF system (col. 16, lines 11-14), but does not provide a calculated execution time as is now recited by the claims of the present application. Further, a calculated execution time is not used to prevent the test job

from being executed and automatically assign a different test job to the available test client, as is now recited by the claims of the present application.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 24th day of October, 2007.

Respectfully submitted,

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